

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-27, 29 and 30 remain pending. Claim 28 was canceled without prejudice or disclaimer and claims 1, 2, 5, 7, 8, 11-16, 18-27, 29 and 30 were amended. Further, the title of the invention was amended and the specification was amended to correct typographical errors, to insert serial numbers of related applications, and to conform with proposed drawing changes.

In the non-Final Office Action of September 30, 2004, the Examiner indicated that the title of the invention is not descriptive; objected to the disclosure due to missing serial numbers of related applications; objected to the drawings as allegedly not showing every feature specified in the claims; rejected claim 27 under 35 U.S.C. 102(e) as allegedly being anticipated by published U.S. Patent Application 2002/0007276 to Rosenblatt et al. ("Rosenblatt"); rejected claims 1, 3, 4, and 5 under 35 U.S.C. 103(a) as allegedly being unpatentable over IEEE TRICOMM 91 of Edwards in view of published U.S. Patent Application 2001/0050681 to Keys et al. ("Keys") and further in view of Rosenblatt; rejected claim 2 under 35 U.S.C. 103(a) as allegedly being unpatentable over Edwards in view of Keys, further in view of Rosenblatt, and further in view of U.S. Patent No. 5,781,186 to Jennings; rejected claims 6, 7, 9, and 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over Edwards, in view of Keys, further in view of Rosenblatt, and further in view of U.S. Patent No. 6,542,936 to Mayle et al. ("Mayle"); rejected claim 8 under 35 U.S.C. 103(a) as allegedly being unpatentable over Keys, in view of Rosenblatt, and further in view of Edwards, Mayle, and Jennings; rejected claims 11, 12, 13, and 14 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt, in view of Edwards, and further in view of Keys; rejected claim 15 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt, and further in view of Edwards, Keys, and Mayle; rejected claims 16-21 under 35

U.S.C. 103(a) as allegedly being unpatentable over published U.S. Patent Application 2003/0191816 to Landress et al. ("Landress"), in view of Rosenblatt; rejected claim 22 under 35 U.S.C. 103(a) as allegedly being unpatentable over Landress, in view of Rosenblatt, and further in view of published U.S. Patent Application 2002/0109680 to Orbanes et al. ("Orbanes"); rejected claims 23 and 25 under 35 U.S.C. 103(a) as allegedly being unpatentable over published U.S. Patent Application 2001/0050689 to Park et al. ("Park"), in view of Rosenblatt; rejected claims 24 and 26 under 35 U.S.C. 103(a) as allegedly being unpatentable over Park, in view of Rosenblatt, and further in view of published U.S. Patent Application 2004/0091154 to Cote; rejected claim 28 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt, in view of U.S. Patent No. 6,064,383 to Skelly; and rejected claims 29 and 30 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt, in view of Skelly, and further in view of U.S. Patent No. 6,230,111 to Mizokawa.

Title of the Invention:

On page 2 of the outstanding Office Action, the Examiner objected to the disclosure stating that the title of the invention was not descriptive. Applicant amended the title of the invention and believes that the title is now descriptive. Therefore, Applicant respectfully requests that the objection be withdrawn.

Objection to the Drawings:

On page 3 of the Office Action, the Examiner objected to the drawings stating that claims 22 and 29 included subject matter not shown in the drawings. Applicant amended the drawings to include the subject matter of claim 22 (now recited in claim 16). Applicant amended claim 29, such that no amendment to the drawings is required with respect to that claim.

Support for the amendments to the drawings can be found in paragraph 0080 of the originally filed specification. No new matter was added. Therefore, Applicant respectfully requests that the objection to the drawings be withdrawn.

Rejection of Claim 27:

On page 4 of the Office Action, the Examiner rejected claim 27 under 35 U.S.C. 102(e) as allegedly being anticipated by Rosenblatt. Applicant submits that amended claim 27 obviates the rejection.

Amended independent claim 27 is directed to a method of sending a multi-media message from a sender to a recipient, where the multi-media message includes an animated entity for delivering a message having text. The method includes, among other things, providing the sender with options to modify an amplitude of emoticons inserted in the text of the message, wherein if the sender modifies the amplitude of emoticons inserted in the text, the appearance of the modified emoticons in the text of the message is changed to reflect the change in amplitude for each modified inserted emoticon.

Applicant submits that Rosenblatt is completely silent with respect to the above-mentioned feature. Because Rosenblatt does not disclose or suggest all of the features of claim 27, claim 27 is not anticipated by Rosenblatt. Therefore, Applicant respectfully requests that the rejection of claim 27 be withdrawn.

The above-mentioned feature was originally cited in claim 28, which the Examiner rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Skelly. On page 20 of the Office Action, the Examiner admitted that Rosenblatt does not disclose “if the sender modifies the amplitude of emoticons inserted in the text, the appearance of the modified emoticons in the text of the message is changed to reflect the change in amplitude for each modified inserted emoticon.” The Examiner relied on Skelly, col. 2, lines 43-45, to disclose or suggest this feature.

Skelly, col. 2, lines 43-45 discloses:

The character is displayed on the display device with an appearance that reflects the selected emotion and the selected intensity of the selected emotion.

The cited portion of Skelly refers to a graphical character, which is a character of a comic panel (see Figs 1 and 3A-3C of Skelly). Thus, Skelly discloses that a graphical character of a comic panel reflects a selected emotion and a selected intensity of the selected emotion.

However, Applicant submits that a graphical character of a comic panel is not the equivalent of a modified emoticon in the text of a message. No portion of Skelly discloses or suggests the above-mentioned feature of claim 27. Therefore, Skelly does not disclose or suggest “if the sender modifies the amplitude of emoticons inserted in the text, the appearance of the modified emoticons in the text of the message is changed to reflect the change in amplitude for each modified inserted emoticon,” as required by amended claim 27.

Rejection of Claims 1, 3, 4, and 5:

On page 5 of Office Action, the Examiner rejected claims 1, 3, 4, and 5 under 35 U.S.C. 103(a) as allegedly being unpatentable over Edwards in view of Keys and further in view of Rosenblatt. Applicants submit that the amended claims obviate the rejection.

Amended independent claim 1 is directed to a method of customizing a multi-media message created by a sender for a recipient, where the multi-media message has an animated entity audibly presenting speech converted from text created by the sender. The method includes, among other things, delivering the multi-media message with at least one image presented as background to the animated entity according to a position of the tag associated with the at least one image in sender text, wherein delivering the multi-media message further includes presenting the at least one image as background when a word prior to the position of the tag associated with the at least one image is presented by the animated entity.

Applicant submits that neither Edwards nor Keys discloses or suggests the above-mentioned feature of claim 1.

The above-mentioned feature of amended claim 1 was originally cited in claim 2. In the rejection of claim 2 (page 8 of the Office Action), the Examiner admitted that Edwards, Keys, and Rosenblatt do not explicitly disclose that delivering the multi-media message further includes presenting the at least one image as background when a word prior to the position of the tag associated with the at least one image is presented by the animated entity. The Examiner relied on Jennings, col. 1, lines 55-63, col. 4, lines 60-61, and col.2, lines 1-4, to disclose this feature.

Jennings, at col. 1, lines 55-63 discloses:

This invention is directed to solving and meeting these and other disadvantages and needs of the prior art. Generally according to the invention, there is provided a new type of message component that enables message creators to specify, inside of a message, how (e.g., when, how fast, and in what order) the other components of a message are to be presented to message recipients, and that further enables multiple such presentations to be specified for a single message.

Thus, Jennings appears to disclose that a new type of message component permits a message creator to control an order, speed, and timing of a presentation of other message components.

Jennings, at col. 4, lines 60-61 discloses:

play image 1.sub.-- record
display first slide while
playing first annotation

Here, Jennings illustrates a script command for indicating when a slide is to be played.

Jennings, at col. 2, lines 1-4 discloses:

... at least one presentation component that is separate from the header component and the body components and that defines an order and any concurrency of presentation of the body components to a message recipient.

Here, Jennings further discloses a component for controlling presentation of message components to a recipient. However, although Jennings may disclose controlling the presentation of message components to a recipient, Jennings is completely devoid of any

disclosure or suggestion of delivering the multi-media message further including presenting at least one image as background when a word prior to a position of a tag associated with the at least one image is presented by the animated entity. The Examiner appears to be asserting that because Jennings is capable of controlling the presentation of components, that Jennings, therefore, discloses or suggests the above-discussed feature of claim 1. Applicant disagrees with the Examiner's assertion.

There are a number of different ways that the commands taught by Jennings can be combined to control a presentation of message components. Assuming *arguendo* that the invention of Jennings is capable of presenting at least one image as background when a word prior to a position of a tag associated with the at least one image is presented by the animated entity, Jennings does not disclose or suggest the above-mentioned feature of amended claim 1.

For at least the reasons discussed above, Applicant submits that, at least, Edwards, Keys, and Rosenblatt do not disclose or suggest, either separately or in combination, all of the claimed features of amended independent claim 1. Therefore, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 3 and 4 depend from claim 1 and are patentable over Edwards, Keys, and Rosenblatt for at least the reasons discussed with respect to claim 1. Therefore, Applicant respectfully requests that the rejection of claims 3 and 4 be withdrawn.

Amended independent claim 5 is directed to a method of customizing a multi-media message created by a sender for a recipient, where the multi-media message has an animated entity audibly presenting speech converted from text created by the sender. The method includes, among other things, displaying sender text, a tag associated with one of the group of predefined images, and a position of the tag with respect to the sender text, when the sender inserts the tag.

Applicant submits that neither Edwards nor Keys discloses or suggests the above-mentioned feature of claim 5, either separately or in any combination. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Rejection of Claim 2:

On page 8 of the Office Action, the Examiner rejected claim 2 under 35 U.S.C. 103(a) as allegedly being unpatentable over Edwards, in view of Keys, and further in view of Rosenblatt and Jennings. Applicant traverses the rejection.

Claim 2 depends from claim 1, which now includes a feature that was originally included in claim 2. Applicant submits that for at least the reasons discussed above with respect to claim 1, claim 2 is patentable over Edwards, in view of Keys, and further in view of Rosenblatt. Further, as discussed with respect to claim 1, Jennings fails to satisfy the deficiencies of Edwards, Keys, and Rosenblatt.

For at least the reasons discussed above, Applicant respectfully requests that the rejection of claim 2 be withdrawn.

Rejection of Claims 6, 7, 9, and 10:

On page 9 of the Office Action, the Examiner rejected claims 6, 7, 9, and 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over Edwards, in view of Keys, further in view of Rosenblatt, and further in view of Mayle. Applicants submit that the amended claims obviate the rejection

Claim 6 depends from claim 5, which is patentable over Edwards, Keys, and Rosenblatt for at least the reasons discussed above with respect to claim 5. Mayle also fails to satisfy the deficiencies of Edwards, Keys, and Rosenblatt. Therefore, Applicant respectfully requests that the rejection of claim 6 be withdrawn.

Amended independent claim 7 is directed to a method of customizing a multi-media message created by a sender for a recipient, where the multi-media message has an animated entity audibly presenting speech converted from text created by the sender. The method includes, among other things, that predefined images or sender-created images are displayed as background to the animated entity as soon as a predetermined number of words prior to the position of a respective tag within the sender text begins to be delivered.

Amended independent claim 7 is similar to claim 1. For reasons similar to those discussed with respect to claim 1, Applicant submits that Edwards, Keys, and Rosenblatt do not disclose or suggest all of the features of claim 7. Applicant submits that Mayle also fails to satisfy the deficiencies of Edwards, Keys, and Rosenblatt. Therefore, Applicant respectfully requests that the rejection of claim 7 be withdrawn.

Claims 9 and 10 depend from claim 7 as a base claim and are patentable over Edwards, Keys, Rosenblatt, and Mayle for at least the reasons discussed above with respect to claim 7. Therefore, Applicant respectfully requests that the rejection of claims 9 and 10 be withdrawn.

Rejection of Claim 8:

On page 10 of the Office Action, the Examiner rejected claim 8 under 35 U.S.C. 103(a) as allegedly being unpatentable over Keys, in view of Rosenblatt, and further in view of Edwards, Mayle, and Jennings. Applicant traverses the rejection.

Amended claim 8 depends from amended claim 7 and is patentable over Keys, Rosenblatt, Edwards, and Mayle for at least the reasons discussed with respect to claim 7. Applicant submits that Jennings fails to satisfy the deficiencies of Keys, Rosenblatt, Edwards, and Mayle.

On page 10 of the Office Action, the Examiner admitted that Keys, Rosenblatt, Edwards, and Mayle do not explicitly disclose that the predefined images or sender-created

images are displayed as background to the animated entity as soon as a predetermined number of words prior to the position of the respective tag within the sender text begins to be delivered, as recited in claim 7, from which claim 8 depends.

The Examiner asserted that Jennings, at col. 1, lines 53-63, and col. 2, lines 1-4, discloses this feature. Applicant submits that Jennings does not disclose or suggest the above-mentioned feature for at least reasons similar to those discussed with respect to claim 1. Therefore, Keys, Rosenblatt, Edwards, Mayle, and Jennings, either separately or in any combination, do not disclose or suggest that the predefined images or sender-created images are displayed as background to the animated entity as soon as a predetermined number of words prior to the position of the respective tag within the sender text begins to be delivered, as required by claim 7, from which claim 8 depends.

For at least the reasons discussed above, Applicant respectfully requests that the rejection of claim 8 be withdrawn.

Rejection of Claims 11-14:

On page 11 of the Office Action, the Examiner rejected claims 11, 12, 13, and 14 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt, in view of Edwards, and further in view of Keys. Applicant submits that the amended claims obviate the rejection.

Amended independent claim 11 is directed to a method of customizing a multi-media message created by a sender for a recipient, where the multi-media message has an animated entity audibly presenting speech converted from text created by the sender and the method uses a stored image having an associated visible image tag. The method includes, among other things, presenting the sender with an option to insert a visible image tag into the sender text, such that when the visible image tag is inserted, the visible image tag, the sender text, and a position of the visible image tag with respect to the sender text is displayed.

Applicant submits that Rosenblatt, Edwards, and Keys fails to disclose or suggest this feature, either separately or in any combination. Therefore, Applicant respectfully requests that the rejection of claim 11 be withdrawn.

Claims 12 and 13 depend from claim 11 and are patentable for at least the reasons discussed above with respect to claim 11. Therefore, Applicant respectfully requests that the rejection of claims 12 and 13 be withdrawn.

Amended claim 14 recites a feature similar to the above-mentioned feature of claim 11. Applicant submits that for at least reasons similar to those discussed above, with respect to claim 11, claim 14 is patentable over Rosenblatt, Edwards, and Keys and respectfully requests that the rejection of claim 14 be withdrawn.

Rejection of Claim 15:

On pages 13-14 of the Office Action, the Examiner rejected claim 15 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt, and further in view of Edwards, Keys, and Mayle. Applicant submits that the amended claims obviate the rejection.

Claim 15 depends from claim 14, which is patentable over Rosenblatt, Edwards, and Keys for at least the reasons discussed above with respect to claim 14. Applicant further submits that Mayle also fails to satisfy the deficiencies of Rosenblatt, Edwards, and Keys. Therefore, Applicant respectfully requests that the rejection of claim 15 be withdrawn.

Rejection of Claims 16-21:

On page 14 of the Office Action, the Examiner rejected claims 16-21 under 35 U.S.C. 103(a) as allegedly being unpatentable over Landress, in view of Rosenblatt. Applicant submits that the amended claims obviate the rejection.

Amended independent claim 16 is directed to a method of sending a multi-media message from a sender to a recipient, where the multi-media message includes an animated

entity for delivering a message having text. The method includes, among other things, presenting the sender with an option to modify a camera position using camera control tags within the text.

Applicant submits that neither Landress nor Rosenblatt discloses or suggests, separately or in any combination, presenting the sender with an option to modify a camera position using camera control tags within the text, as required by claim 16.

Claim 22 originally cited the above-mentioned feature. On page 17 of the Office Action, the Examiner admitted that the combined teachings of Landress and Rosenblatt do not disclose presenting the sender with an option to modify a camera position using camera control tags within the text. The Examiner relied on Orbanes, at paragraph 0052, lines 3-5, paragraph 0161, lines 21-24, and paragraph 0163, lines 1-3 to disclose the above-mentioned feature. Applicant respectfully disagrees with the Examiner's assertion.

Orbanes, at paragraph 0052, lines 3-5 discloses:

The user manipulates the controls 107 to change the viewing perspective, and thus the position of the camera 116.

Thus, Orbanes discloses that a user can change a position of a camera by using controls.

However, this portion of Orbanes does not disclose or suggest presenting the sender with an option to modify a camera position using camera control tags within the text.

Orbanes, at paragraph 0161, lines 21-24 discloses:

This mapping, in one embodiment, translates to a function wherein the three-dimensional coordinates of the data objects are a function of the one-dimensional textual list of the data objects and the template 105.

Orbanes discloses a mapping of a one-dimensional textual list to three-dimensional coordinates of data objects. However, this portion of Orbanes does not disclose or suggest presenting the sender with an option to modify a camera position using camera control tags within the text.

Orbanes, at paragraph 0163, lines 1-3, discloses:

The system 100, optionally, provides a graphical interface 1412 for enabling the user to modify the template 105 easily. As depicted, the interface 1412 includes a display screen 1413.

Thus, Orbanes discloses a graphical interface for permitting the user to modify a template. However, this portion of Orbanes does not disclose or suggest presenting the sender with an option to modify a camera position using camera control tags within the text.

Applicant submits that Landress, Rosenblatt, and Orbanes are completely devoid of any disclosure or suggestion of presenting the sender with an option to modify a camera position using camera control tags within the text, as required by claim 16.

For at least the reasons discussed above, Applicant submits that claim 16 is patentable over the cited references and respectfully requests that the rejection of claim 16 be withdrawn.

Claims 17-21 depend from claim 16 and are patentable for at least the reasons discussed above with respect to claim 16. Therefore, Applicant respectfully requests that the rejection of claims 17-21 be withdrawn.

Rejection of Claim 22:

On page 17 of the Office Action, the Examiner rejected claim 22 under 35 U.S.C. 103(a) as allegedly being unpatentable over Landress, in view of Rosenblatt, and further Orbanes. Applicant respectfully traverses the rejection.

Claim 22 depends from claim 16 as a base claim. For at least the reasons discussed above, with respect to amended claim 16, which now includes the features of original claim 22, claim 22 is patentable over Landress, Rosenblatt, and Orbanes. Therefore, Applicant respectfully requests that the rejection of claim 22 be withdrawn.

Rejection of Claims 23 and 24:

On page 17 of the Office Action, the Examiner rejected claims 23 and 25 under 35 U.S.C. 103(a) as allegedly being unpatentable over Park, in view of Rosenblatt. Applicant submits that the amended claims obviate the rejection.

Amended claim 23 depends from claim 16. Rosenblatt does not disclose or suggest the features of claim 16 for the reasons discussed above with respect to claim 16. Park also fails to satisfy the deficiencies of Rosenblatt. For at least these reasons, Applicants submit that claim 23, which depends from claim 16, is patentable over Rosenblatt and Park. Therefore, Applicant respectfully requests that the rejection of claim 23 be withdrawn.

Amended claim 25 depends from claim 16 as a base claim. For at least this reason, Applicant submits that claim 25 is patentable over Park and Rosenblatt and respectfully requests that the rejection of claim 15 be withdrawn.

Rejection of Claims 24 and 26:

On page 19 of the Office Action, the Examiner rejected claims 24 and 26 under 35 U.S.C. 103(a) as allegedly being unpatentable over Park, in view of Rosenblatt, and further in view Cote. Applicant submits that the amended claims obviate the rejection.

Amended claim 24 depends from claim 16 as a base claim and is patentable over Park and Rosenblatt for at least the reasons discussed above with respect to claim 16. Cote fails to satisfy the deficiencies of Park and Rosenblatt. Therefore, Applicant submits that claim 24 is patentable over Park, Rosenblatt, and Cote and respectfully requests that the rejection of claim 24 be withdrawn.

Amended claim 26 depends from claim 24 and is patentable over Park, Rosenblatt, and Cote for at least the reasons provided with respect to claim 24. Therefore, Applicant respectfully requests that the rejection of claim 26 be withdrawn.

Rejection of Claim 28:

On page 20 of the Office Action, the Examiner rejected claim 28 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt, in view of Skelly. Applicant submits that the cancellation of claim 28 without prejudice or disclaimer makes the rejection moot. Therefore, Applicant respectfully requests that the rejection of claim 28 be withdrawn.

Rejection of Claims 29 and 30:

On page 20 of the Office Action, the Examiner rejected claims 29 and 30 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt, in view of Skelly, and further in view of Mizokawa. Applicant respectfully traverses the rejection.

Amended claim 29 depends from claim 27 and further recites that changing the appearance of the modified emoticons includes changing a color associated with the modified emoticon.

On page 21 of the Office Action, the Examiner admitted that the combined teachings of Rosenblatt and Skelly do not explicitly disclose changing the modified emoticon from a ... background color of the face. However, the Examiner asserted that Mizokawa, at col. 10, lines 42-45 discloses this feature.

Mizokawa, at col. 10, lines 42-45, discloses:

Further, emotion expression can be indicated by background color of the "face" on the display, or by sounds or voices or conversation using an auditory output device.

The above-cited portion of Mizokawa refers to a change in color associated with a background color of a "face" of an autonomous device that behaves adaptively (see Abstract). Applicant submits that a "face" of an autonomous device is not equivalent to a modified emoticon. Nowhere does Mizokawa, Rosenblatt, and Skelly disclose or suggest, either separately or in any combination, changing a color associated with a modified emoticon, as required by claim 29.

For at least the above-mentioned reasons, Applicant submits that claim 29 is patentable over Rosenblatt, Skelly, and Mizokawa and respectfully requests that the rejection of claim 29 be withdrawn.

Amended claim 30 depends from claim 27 and further recites that the appearance of the modified emoticon relates to an intensity of a modified amplitude (of an emoticon).

On page 21 of the Office Action, the Examiner asserted that Skelly, at col. 2, lines 43-45, discloses the above-mentioned feature of claim 30. Applicant disagrees with the Examiner's assertion.

Skelly, at col. 2, lines 43-45, discloses:

The character is displayed on the display device with an appearance that reflects the selected emotion and the selected intensity of the selected emotion.

The invention of Skelly is directed to changing an appearance of a graphical character of a comic panel to reflect a selected emotion and intensity (see Skelly, Abstract and Figs. 3A-3C). Applicant submits that a graphical character of a comic panel is not the equivalent of an emoticon. Therefore, Skelly does not disclose or suggest that the appearance of modified emoticon relates to an intensity of a modified amplitude (of an emoticon) as required by claim 30. Further, Applicant submits that Rosenblatt, Skelly, and Mizokawa do not disclose or suggest, wither separately or in combination, that the appearance of modified emoticon relates to an intensity of a modified amplitude (of an emoticon), as required by claim 30. Therefore, Applicant respectfully requests that the rejection of claim 30 be withdrawn.

CONCLUSION

Having addressed all rejections and objections, Applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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Amendments to the Drawings:

Kindly amend Fig. 6 as indicated in red in the attached annotated sheet and insert new Fig. 6B. No new matter is introduced. Paragraph 0080 of the originally-filed specification provides support for the changes to the drawings.

Attachments:

Annotated Fig. 6
Replacement Fig. 6A
New Fig. 6B